

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

v.

ERIC MARTINEZ (11)

NO. 6:19-CR-041-H(11)

FACTUAL RESUME

In support of Eric Martinez's plea of guilty to the offense in Count Six of the Indictment, Martinez, the defendant, Randy Wilson, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Six of the Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), that is, Distribution and Possession with Intent to Distribute Methamphetamine, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly distributed or possessed a controlled substance as charged in the Indictment;
- Second.* That the substance was in fact methamphetamine; and
- Third.* That the defendant possessed the substance with the intent to distribute it.

¹ Fifth Circuit Pattern Jury Instruction 2.93 (5th Cir. 2015).

STIPULATED FACTS

1. Eric Martinez admits and agrees that on or about September 7, 2016, in the San Angelo Division of the Northern District of Texas, and elsewhere, he, defendant, did intentionally or knowingly distribute or possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

2. On September 7, 2016, a confidential informant contacted Martinez to arrange for a purchase of methamphetamine. The informant arrived at the predetermined location in San Angelo, Texas, and met with Martinez. Martinez sold the informant roughly fourteen grams of methamphetamine.

3. Law enforcement submitted the methamphetamine Martinez sold to the informant on September 7 to a laboratory for testing. The laboratory analysis confirmed that the substance Martinez sold on September 7 was methamphetamine, a Schedule II controlled substance.

4. Martinez admits and agrees that on September 7, 2016, he knowingly distributed roughly fourteen grams of methamphetamine to the informant.

5. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Six of the Indictment.

AGREED TO AND STIPULATED on this 11th day of January, 2019.

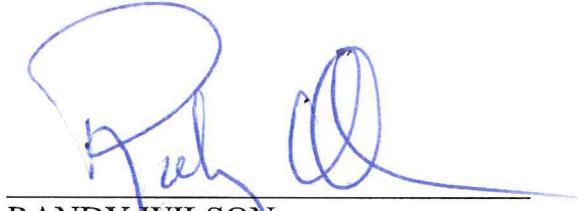


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Defendant

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